

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

THOMAS GESUALDI *et al*,

Plaintiffs,

-against-

**ORDER ADOPTING REPORT
& RECOMMENDATION**
19-CV-2404 (DRH)(AYS)

LR SAFETY CONSULTANTS & CONSTRUCTION
SERVICES, LLC, *et al*.

Defendants.

-----X

Presently before the Court is the Report and Recommendation of Magistrate Judge Anne Y. Shields, dated November 3, 2020, recommending that Plaintiffs' motion to strike the third and fourth affirmative defenses contained in Defendants LR Safety's and Ramon De Los Santo's Answers and to dismiss the counterclaims asserted by LR Safety and De Los Santos be granted in its entirety. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the November 3, 2020 Report and Recommendation of Judge Shields as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' motion to strike the third and fourth affirmative defenses contained in Defendants LR Safety's and Ramon De

Los Santo's Answers and to dismiss the counterclaims asserted by LR Safety and De Los Santos is granted in its entirety.

SO ORDERED.

Dated: Central Islip, New York
November 19, 2020

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge